

	Page 321	Page 321
<p>1 MR. FRITTS: That's correct.</p> <p>2 MR. SRINIVASA: Maintenance</p> <p>3 is still yours.</p> <p>4 MR. HUTCHINS: In both</p> <p>5 cases.</p> <p>6 MR. FRITTS: That's correct,</p> <p>7 with the understanding that under Section</p> <p>8 26 unless a CLEC has chosen differently</p> <p>9 they will do their own remote control,</p> <p>10 surveillance and diagnosing of the</p> <p>11 equipment.</p> <p>12 MR. SRINIVASA: That's under</p> <p>13 26. In here, you would — it's part of</p> <p>14 yours.</p> <p>15 MR. FRITTS: Under 25, we do</p> <p>16 that.</p> <p>17 MS. ERVIN: I guess this is</p> <p>18 a good time to ask the CLECs present to</p> <p>19 discuss particular problems and concerns</p> <p>20 that they have regarding virtual</p> <p>21 collocation.</p> <p>22 MR. SUMMITT: I have one.</p> <p>23 I'll go. This is Nick Summitt, with Time</p> <p>24 Warner Telecom, and I may be speaking out</p> <p>25 of turn, but I think I can speak for all</p>	<p>1 now for a dollar and pay Southwestern Bell</p> <p>2 to reinstall it for me and take it to my</p> <p>3 physical cage. Is that correct?</p> <p>4 MS. ERVIN: And, Ms.</p> <p>5 Rowling, is this the same issue that you</p> <p>6 were discussing earlier that Mr. Land —</p> <p>7 JUDGE FARROBA: No. That's</p> <p>8 a separate issue.</p> <p>9 MS. ERVIN: A different</p> <p>10 issue? Okay.</p> <p>11 MR. AUINBAUH: And let me</p> <p>12 try to address this. Mike Auinbauh. And</p> <p>13 we've talked about this before.</p> <p>14 In order to be able to provide</p> <p>15 that equipment to Time Warner, Southwestern</p> <p>16 Bell and Time Warner are going to have to</p> <p>17 sit down and negotiate a means of</p> <p>18 Southwestern Bell being released from</p> <p>19 future liabilities due to FCC rate</p> <p>20 investigation, because that equipment was</p> <p>21 purchased under our federal tariff, which</p> <p>22 is still under investigation by the FCC.</p> <p>23 And I think Kelsi and I've talked</p> <p>24 about this several times. We're going to</p> <p>25 have to sit down and negotiate an agreement</p>	
<p>1 the CLECs. Have you processed any new</p> <p>2 virtual collocation requests in the last</p> <p>3 year?</p> <p>4 MR. HUTCHINS: In the last?</p> <p>5 Yes, we have, or are in the process of.</p> <p>6 MR. SUMMITT: Actually I'm</p> <p>7 surprised, because the virtual collocation</p> <p>8 is really so cumbersome to try to do</p> <p>9 business. It's not workable for a business</p> <p>10 that has to move fast and start from ground</p> <p>11 zero.</p> <p>12 What I'm trying to do — and</p> <p>13 maybe it's in here. And I've been trying</p> <p>14 to find it. I want to try to move my</p> <p>15 virtuals to physicals. And I'm trying to</p> <p>16 understand the cost of doing that. And if</p> <p>17 it's in here, I can't find it. And I was</p> <p>18 just given this statement, I guess, this</p> <p>19 morning from Mike.</p> <p>20 But when I did the virtuals in</p> <p>21 the beginning, I paid a lot of money for</p> <p>22 that equipment and it was line itemed, you</p> <p>23 know, what exactly I paid for. So I guess</p> <p>24 since I've already paid for it, my</p> <p>25 assumption would be that I could go buy it</p>	<p>1 that protects us from future rate changes.</p> <p>2 We're perfectly amenable to providing that</p> <p>3 equipment back without additional costs</p> <p>4 other than what we incur to do that.</p> <p>5 I think as long as we are able to</p> <p>6 agree to a protection that if the rates</p> <p>7 that are currently under investigation are</p> <p>8 changed by the FCC, we wouldn't somehow or</p> <p>9 another be liable to double return to you</p> <p>10 equipment and cost. And so it's going to</p> <p>11 take our lawyers sitting down and working</p> <p>12 that out.</p> <p>13 And it's — I'm sure it can be</p> <p>14 done. We haven't got any standard form for</p> <p>15 doing it, and no one has asked us to do it</p> <p>16 other than Time Warner, but we are willing</p> <p>17 to do it.</p> <p>18 JUDGE FARROBA: Actually —</p> <p>19 let me just — the Commission</p> <p>20 recommendation was that Southwestern Bell</p> <p>21 file a plan that is acceptable to the</p> <p>22 Commission for the handling of equipment</p> <p>23 already collocated at Southwestern Bell</p> <p>24 offices regarding conversion from virtual</p> <p>25 to physical collocation.</p>	Page 324

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1 MR. AUINBAUH: Okay. Kathy,
2 there is no virtual collocation under state
3 jurisdiction in Texas.

4 JUDGE FARROBA: Right. But
5 there is equipment in your central offices
6 that is virtually collocated —

7 MR. AUINBAUH: And the
8 terms — I'm sorry. The terms for
9 providing that virtual collocation is under
10 federal jurisdiction.

11 JUDGE FARROBA: Well, it's
12 not the provision of the virtual
13 collocation that this refers to. It's the
14 transition from that to physical
15 collocation under the Texas tariff.

16 MR. AUINBAUH: Okay. As far
17 as I know at this point in time, there is
18 no equipment that is virtually collocated
19 under the Texas tariff.

20 JUDGE FARROBA: No. There
21 is equipment that is virtually collocated
22 under the federal tariff that people are
23 interested in transitioning to physical
24 collocation under the Texas tariff, and
25 this Commission recommends and the

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1 and we've tried very hard to put forward as
2 much as we can put forward on our own here.

3 MR. SRINTVASA: Well, when
4 they virtually collocated using the federal
5 tariff for a piece of equipment, did
6 Southwestern Bell furnish and install that
7 equipment?

8 MR. AUINBAUH: Yes. And
9 they couldn't have (inaudible) to
10 Southwestern Bell at this point in time.

11 MR. SRINTVASA: And the
12 rates that were being charged to virtually
13 collocated, was there some amount
14 associated with that investment, whatever
15 you paid for that on a depreciated basis;
16 say, for example, three years, four years
17 however —

18 MR. AUINBAUH: No. That
19 equipment was purchased as designated
20 equipment for the collocator, and the FCC
21 looked at the cost data that we provided to
22 them and established interim rates.

23 They suspended our file tariff
24 for one day, put it under investigation,
25 and then they would put the rates in place

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1 Commissioners voted to approve this Staff
2 recommendation that there be a plan in
3 place for how that procedure works.

4 MR. AUINBAUH: And the plan
5 that would have to be in place because it
6 unfortunately crosses jurisdictions is that
7 the parties are going to have to come to
8 some kind of agreement in the federal
9 jurisdiction as to how we can provide that
10 equipment, and then the rest of it is
11 already in place in Texas, in terms of the
12 physical collocation tariff.

13 We return the equipment to them
14 and they have the ability to use the
15 equipment. So — and I'm sorry. I'm not
16 trying to evade your question, but we have
17 got the same problem you-all have got,
18 which is that those rates are in federal
19 jurisdiction and we don't have any means of
20 changing those without some agreement that
21 says, okay, we understand each other, and
22 if something happens in the future under
23 federal jurisdiction we've got an agreement
24 such that we'll protect it from that.
25 And we've discussed this a lot,

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1 as interim rates back in — you guys would
2 probably — '94? — 1994, and they have not
3 done anything with that investigation
4 since '94. And you understand the dilemma
5 we find ourselves in here.

6 So there is a means —

7 JUDGE FARROBA: Has anyone
8 that has virtually collocated equipment
9 under the federal tariff actually
10 transitioned that to the Texas physical
11 collocation tariff, then?

12 MR. AUINBAUH: I'm only
13 aware of a request from Time Warner to even
14 receive that equipment back, and that — I
15 think we've talked, both Kelsi and I and
16 our companies prior even to the 271 filings
17 as to possibilities there. And I think
18 it's just been a matter of deciding whether
19 or not to do that.

20 But it's an issue that because of
21 the jurisdictional issue, because of the
22 interim rate issue, it's going to require
23 the parties in bilateral negotiations to
24 deal with the federal tariff issues, and
25 then you have everything in place in Texas

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<p>1 for the rest of it.</p> <p>2 MS. REEVES: And I guess</p> <p>3 what our two questions seems to be is</p> <p>4 that – this is Kelsi Reeves, with Time</p> <p>5 Warner. I understand that you need – from</p> <p>6 what I understand, you need some – a</p> <p>7 release of liability for rates that are</p> <p>8 under dispute.</p> <p>9 And what I'm looking for is</p> <p>10 that – I'm 100 percent sure we could come</p> <p>11 to an agreement on that relatively quickly.</p> <p>12 And so what our question is, is can we</p> <p>13 then, once we come to that decision, and we</p> <p>14 release you from liability, can we then buy</p> <p>15 that equipment back for a dollar and then</p> <p>16 go through the physical collocation</p> <p>17 process?</p> <p>18 MR. AUINBAUH: The answer is</p> <p>19 "yes." I'm going to say that to the extent</p> <p>20 you paid for the equipment, we'll provide</p> <p>21 it back to you. The equipment currently</p> <p>22 belongs to Southwestern Bell. If we've</p> <p>23 recovered our costs, we have no interest in</p> <p>24 doing anything other than – there may be a</p> <p>25 cost of removal and we may ask for that but</p>	<p>1 doing here, is setting up a process.</p> <p>2 MR. AUINBAUH: Well, Kathy,</p> <p>3 I'm sorry, but I don't have a way of</p> <p>4 negotiating that here, a federal tariff</p> <p>5 here in the hearing room.</p> <p>6 MS. ERVIN: Are there other</p> <p>7 virtual collocation issues out here?</p> <p>8 MS. ROWLING: Gwen Rowling,</p> <p>9 Westel. I did have an opportunity to visit</p> <p>10 with Mr. Land and –</p> <p>11 MS. ERVIN: I'm sorry. I'm</p> <p>12 having a hard time hearing you.</p> <p>13 MS. ROWLING: I had an</p> <p>14 opportunity to talk to Charlie Land from</p> <p>15 TEXALTEL. He had brought up the issue of</p> <p>16 smaller CLECs who vendor finance the</p> <p>17 equipment that they are going to be</p> <p>18 virtually collocating and the problem, the</p> <p>19 concerns about transferring the title, and</p> <p>20 Southwestern Bell had filed something after</p> <p>21 the issue was brought up.</p> <p>22 He still has some very deep</p> <p>23 concerns and issues regarding that. He</p> <p>24 apparently had talked to Southwestern Bell</p> <p>25 today, I guess, right before the lunch and</p>	
<p>1 that would be it.</p> <p>2 Kelsi, if this moves us along –</p> <p>3 we've talked about this so many times –</p> <p>4 what I would suggest is let's set a meeting</p> <p>5 with our attorneys and let's get on with</p> <p>6 it. You indicated to the Commissioners the</p> <p>7 other day that you were going to go ahead</p> <p>8 and –</p> <p>9 MS. REEVES: I know. When I</p> <p>10 tried to take it back to the company and</p> <p>11 explain to them that they want – they want</p> <p>12 to understand the process. They want to</p> <p>13 know what they are getting into before they</p> <p>14 begin it, and it's also just a timing</p> <p>15 issue.</p> <p>16 MR. AUINBAUH: Well, the</p> <p>17 best way to do that is let's sit down and</p> <p>18 nail down the process and we can get on</p> <p>19 with it. And I hold that offer out to</p> <p>20 anyone else that wants to. If they have</p> <p>21 virtually collocated equipment and they</p> <p>22 want to do this, we're willing to sit</p> <p>23 down –</p> <p>24 JUDGE FARROBA: Well, I</p> <p>25 think that is what we're suppose to be</p>	<p>1 had been told by Mr. Bourgeacq that</p> <p>2 Southwestern Bell was not going to discuss</p> <p>3 this issue today.</p> <p>4 And what TEXALTEL would like to</p> <p>5 propose is to present to Southwestern Bell</p> <p>6 and everybody what TEXALTEL's proposal is</p> <p>7 on this issue, and then have in writing and</p> <p>8 then have Southwestern Bell have an</p> <p>9 opportunity to respond to it so we can move</p> <p>10 the process along.</p> <p>11 MS. ERVIN: I'm just</p> <p>12 curious. Does anybody on the Southwestern</p> <p>13 Bell side know why he did not want to have</p> <p>14 the issue discussed today? Is it because</p> <p>15 it's related to something that is occurring</p> <p>16 in March or –</p> <p>17 MR. WANN: Well, first of</p> <p>18 all, I talked to Mr. Land on one occasion</p> <p>19 (inaudible) Mr. Bourgeacq – oh, I'm sorry.</p> <p>20 I'm Garry Wann, with Southwestern Bell</p> <p>21 Telephone. And I don't want to misquote</p> <p>22 Mr. Land, but I think he had a couple of</p> <p>23 concerns.</p> <p>24 We're talking about provisions in</p> <p>25 Section 26 of the new tariff that discusses</p>	Page 332
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1 the transfer of title to their property
2 after the CLEC buys the property, buys the
3 equipment, and comes to us. The tariff
4 does say it will be transferred to
5 Southwestern Bell Telephone. That doesn't
6 seem to be his problem. He was concerned
7 about, if there is a small CLEC and he was
8 (inaudible) for that piece of equipment,
9 would the vendor of the equipment allow
10 that title be transferred to Southwestern
11 Bell Telephone because the vendor would
12 want some type of security interest.

13 And so I told him I saw that as a
14 legal problem, that we would need to sit
15 down and try to work out a way where the
16 seller of the equipment, the vendor, the
17 small CLEC with Southwestern Bell Telephone
18 would be assured of their rights.

19 And we're in the process of doing
20 that. We will continue to talk to
21 Mr. Land. We've brought a UCC lawyer in.
22 I tell you, I'm not that familiar with the
23 UCC and we're trying to work that out. And
24 I would hope that that process, informal
25 process, could continue, because we

1 needs.
2 MS. ROWLING: He had just
3 expressed concern that the process was
4 dragging along and there hadn't been
5 anything concrete put forward. So what
6 I'll do is I'll visit with Mr. Land and
7 have him talk with you and set up a time
8 that we can get this on the table.

9 MR. WANN: That's correct.
10 MS. NELSON: And just for
11 the completeness of the record,
12 Mr. Auimbauh, what you were talking about,
13 the jurisdictional issues with regard to
14 transferring the virtual collocated
15 equipment to physical collocation, your
16 response was really legal in nature.

17 And just for completeness of the
18 record, I'm going to let one of the
19 attorneys representing one of the CLECs
20 respond.

21 MS. BOURIANOFF: Michelle
22 Bourianoff, on behalf of AT&T. I just
23 wanted to make clear that AT&T, at least,
24 and I would think many of the other CLECs
25 here do not necessarily agree with your

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1 recognize the problem and we are working on
2 it.

3 We will be happy to sit down with
4 Mr. Land and anyone else that is interested
5 in that process to try to hammer something
6 out.

7 MS. ROWLING: I guess from
8 my perspective, from Westel's perspective,
9 I was trying to get an understanding of the
10 time frame of getting this worked out.

11 MR. WANN: Well, as I've
12 told Mr. Land, we'll be happy to sit down
13 and talk next week if he wants to sit down
14 and talk, as long as I can get the other
15 attorney here and start trying to work out
16 exactly what would be needed (inaudible)
17 UCC-1 being filed listing Southwestern
18 Bell, you know, in this situation or
19 whatever.

20 But, no. I'm available as long
21 as I can get the interested CLECs, but I
22 think we can do this, comply with the
23 tariff that has already been approved, and
24 this can be something that can be done
25 informally and hopefully satisfy everyone's

1 interpretation of what jurisdiction this
2 Commission had about asking Southwestern
3 Bell to lay out a plan.

4 And I just didn't want that to go
5 unrebuted in the record, because attorneys
6 had been asked not to speak. I think this
7 Commission clearly as part of giving a 271
8 recommendation to the FCC could ask
9 Southwestern Bell to lay out a plan about
10 how it would treat equipment that was
11 virtually collocated under a federal tariff
12 and transition to physically collocated
13 equipment in Texas.

14 MR. WANN: That's fine, Your
15 Honor. We just agree to disagree. Could
16 I -- before I forget this, we would like,
17 since the Court Reporter was thrown in
18 today, which we thought would not be here,
19 but since this process has become more
20 formal, I would like to make sure the
21 record is complete and that the handouts we
22 have today would be entered into the record
23 as Southwestern Bell Exhibit 1.

24 MS. HARTLINE: Your Honor,
25 this is Rina Hartline, on behalf of --

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1 JUDGE FARROBA: Okay. And 2 after Ms. Hartline, I really don't want to 3 have any more legal arguments and – 4 MS. HARTLINE: It's actually 5 not. It's just a matter of clarification, 6 and that is that since the attorneys were 7 asked to attend without speaking, I just 8 want to make clear that in cases where, in 9 the record, it doesn't show up that 10 attorneys have stood up and asked questions 11 or provided clarification, I don't want 12 that to imply to anybody that there was an 13 agreement on that issue, necessarily. 14 MS. NELSON: Okay. And just 15 for the record, attorneys were not asked to 16 attend and not – 17 MS. HARTLINE: I'm sorry. 18 MS. NELSON: Attorneys were 19 given an opportunity to attend. 20 MS. HARTLINE: But were 21 asked not to speak. 22 MS. NELSON: Exactly. 23 MS. HARTLINE: Thank you. 24 Sorry. 25 MS. ERVIN: Meanwhile, back	1 augments make a lot of sense and then – 2 MS. REEVES: Maybe I'm not 3 saying augment. Maybe I'm – 4 MR. AUINBAUH: I think you 5 would have the ability to purchase – if 6 you wanted more equivalent virtually 7 collocated, you could purchase that 8 equipment out of the state tariff. Virtual 9 isn't like physical where it's a defined 10 area and a limited piece of equipment. 11 So if you now wanted to add a new 12 piece of equipment, I think you could order 13 that out of the state tariff. I don't know 14 that they would be related to each other 15 necessarily. 16 MR. SUMMITT: All right. 17 What if we were adding service and we 18 needed to put more cards in the equipment, 19 would we get the price of the cards where? 20 MR. AUINBAUH: I don't think 21 we want to get into that mix and match 22 because we really would get into a mess. 23 If you're wanting to get the equipment 24 back, let's just get on with that and give 25 you the equipment back and then we'll be –	
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1 to the virtual collocation – (Laughter) 2 JUDGE FARROBA: Right. Some 3 would say only attorneys would argue back 4 and forth about that. So... 5 MS. ERVIN: Have we other 6 specific virtual collocation concerns or 7 problems that we would like to bring up at 8 this time? 9 MS. REEVES: I would like to 10 clarify. If we purchased virtual 11 collocation under the federal tariff and 12 now if we want to go in and make a good 13 augment at a card, do something like that, 14 the terms and the prices in your state 15 tariff are more favorable than the ones in 16 the federal tariff. 17 So in the same manner that we are 18 now ordering augments from your physical, 19 where now we're (inaudible), can you show 20 us how we can do that? I'm assuming that 21 we could also order out of the virtual 22 tariff for augments to our virtual 23 collocation. Is that? 24 MR. AUINBAUH: If I could 25 try to answer that, Kelsi. I'm not sure	1 because the more of that we get into, the 2 more difficulty we're going to have sorting 3 that out. 4 MS. REEVES: The thing is, 5 is we've got – I mean, we've got five in 6 Houston. I can't remember. I think we 7 have six maybe in Austin. So it's a timing 8 issue on trying to do the – because we 9 have to go – I'm not sure there is bays 10 necessarily in all the places where we want 11 to, but there are a number of virtual 12 collocations that we are going to have to 13 continue to operate, and as we reached 14 capacity in those virtual collocations, 15 it's my understanding that we add – the 16 way we add additional capacity is the 17 cards? 18 MR. SUMMITT: That's 19 correct. 20 MS. REEVES: And so the 21 price for the cards in your state tariff is 22 much more favorable than the price for the 23 cards – 24 MS. ERVIN: But you are 25 currently paying for the equipment under	

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1 the federal tariff. Is that correct?
2 MS. REEVES: Well — okay.
3 Is there a way — can we —
4 MS. ERVIN: So I can see
5 where there is some — pardon me — that
6 there would be some problems with that.
7 Okay? So — but it sounds as if, although
8 I could be wrong, it sounds as if all you
9 really need to do is to hammer out this
10 liability issue and then you may not even
11 have this other issue.
12 MS. REEVES: Well, that's
13 where you — and maybe your — so we could
14 transfer from — prior to converting our
15 virtual to physical, we can convert our
16 virtual to virtual and —
17 MS. ERVIN: Got the same
18 problem.
19 MR. AUINBAUH: ... to do
20 that because it's an issue of ownership
21 where we've offered. We could find a way
22 to hand you the equipment back and we would
23 be done with that —
24 MS. REEVES: Well, that —
25 right. I mean — I apologize.

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1 giving a legal opinion here. I'm trying to
2 speak as an expert. But, again, I'm trying
3 to be careful here because the federal
4 tariff is the federal tariff and we don't
5 have as much latitude to work with the
6 state here on a federal tariff as we would
7 on a state transaction where the state has
8 jurisdiction.
9 It's not my legal opinion. It's
10 just expert opinion.
11 MS. NELSON: It's your
12 expert opinion gathered from years of
13 working with lawyers. (Laughter)
14 MS. ERVIN: I have no legal
15 anything on this. Okay? But it seems to
16 me that if you have a service under a
17 federal tariff that is under investigation
18 and interim rates and this whole thing,
19 that it's not like you can get out of this
20 swamp by just, you know, transferring it
21 into the state tariff.
22 Do you know what I'm saying? I
23 just got rid of some stuff that I had for
24 five years that was stuck in a similar
25 situation. So — I mean, believe me. If

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1 MR. AUINBAUH: We own the
2 equipment today. We would own the
3 equipment in a state virtual and I don't
4 see how we would transfer the equipment
5 between jurisdictions. I think the easiest
6 and cleanest thing for us to do is do what
7 you've asked for all along, which is let's
8 get past the interim rates, get the
9 equipment back to you, and then you can
10 have the arrangements that you want.
11 MS. REEVES: Okay. But the
12 timing is what I'm concerned about now. I
13 mean, with the number of virtual — it will
14 take us — could we not do the same — have
15 this conversation and remove you from —
16 waive your liability and move — you
17 know — what am I saying? ... the
18 interstate virtual tariff in the intrastate
19 virtual tariff with the same discussion
20 that we need to have about your waiver of
21 liability?

22 MR. AUINBAUH: Obviously you
23 are hitting me cold with this one. But I
24 don't think so. I don't think we can get
25 there. But — and I don't want to risk

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1 there had been a way to just transfer it
2 into something else, I mean, you know —
3 but unfortunately once it goes there and
4 becomes part of an investigation or
5 whatever, you know, I can see where that,
6 you know, creates a whole other set of
7 problems.
8 MS. REEVES: Just humor me
9 for just a second, because I'm still not —
10 I'm just not following —
11 MR. AUINBAUH: Let me offer
12 you one solution here, though, Kelsi. In
13 an interim period, if you're needing — and
14 I'll use an augment, add cards to the
15 equipment, why don't we just do that under
16 the federal tariff, understanding that you
17 would get that back if we can strike a
18 deal, and that could be part of the deal?

19 MS. REEVES: Okay.
20 MS. ERVIN: There you go.
21 MR. AUINBAUH: I mean, we're
22 not —
23 MS. REEVES: Would we get
24 the money back?
25 MR. AUINBAUH: (Inaudible)

1 with the equipment in that you need to
 2 add –
 3 MS. REEVES: So we're going
 4 to pay the inflated price for the equipment
 5 (inaudible). I'm not being – I was
 6 just – I really wasn't sure I understand.
 7 My brain is not working very well.
 8 MS. ERVIN: What I was
 9 hoping is that if we don't have additional
 10 issues related to virtual collocation that
 11 are of immediate concern to any of the
 12 CLECs present that perhaps if we needed to
 13 go back to this business about physical
 14 collocation in the other central office
 15 space that maybe we would have a few
 16 minutes to go back to that.

17 Okay? So going once and going
 18 twice, folks.

19 JUDGE FARROBA: I'm sorry.

20 What was the –

21 MS. ERVIN: It was my
 22 decision to wrap up the virtual collocation
 23 portion of this, to go back because the
 24 parties apparently had some questions about
 25 the physical collocation and other central

1 office space issues.

2 MS. CASEY: Can you just
 3 give us 30 seconds?

4 MS. ERVIN: Sure.

5 JUDGE FARROBA: While we're
 6 waiting, Mr. Wann, would you go ahead and
 7 just for the record read in the names of
 8 the documents that were passed out today.

9 (Documents were marked
 SWB-1 through 5° for

10 identification.)

11 MR. WANN: Okay.

12 Southwestern Bell Exhibit 1 would be the
 13 Physical Collocation Application and
 14 Delivery Process.

15 Southwestern Bell Exhibit 2 would
 16 be the Physical Collocation Active Central
 17 Office Space, 90 Day, Implementation Steps
 18 Delivery Process.

19 Southwestern Bell Exhibit 3 would
 20 be the Physical Collocation Other Central
 21 Office Space, 180 Day, Implementation Steps
 22 Delivery Process.

23 And Southwestern Bell Exhibit 4
 24 would be the Southwestern Bell Virtual
 25 Collocation Application Flow Process.

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1 And Southwestern Bell Exhibit 5
 2 would be the Virtual Collocation
 3 Implementation Process. I would ask for
 4 these to be admitted.

5 JUDGE FARROBA: And I guess
 6 this isn't technically a hearing, although
 7 we are on the record. So I don't think
 8 they need to be admitted, but they will be
 9 included as part of the record of this
 10 meeting.

11 MR. WANN: Thank you, Your
 12 Honor.

13 MS. NELSON: I think Robin
 14 wanted to ask one question, because her
 15 witness had to leave early.

16 MS. CASEY: This is Robin
 17 Casey, on behalf of Intermedia. Intermedia
 18 throughout the collaborative process had
 19 expressed concerns and a desire to be able
 20 to have third-party engineers maintain and
 21 repair virtually collocated equipment, you
 22 know, third party -- the same -- or
 23 third-party technicians -- not engineers --
 24 maybe engineers -- be able to repair and
 25 maintain it the same way they can install

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1 it.

2 And I just want to raise that
 3 issue on their behalf. It's something that
 4 has been in all the collocation filings and
 5 questions and especially hearing today
 6 that, you know, the great majority of the
 7 collocations seem to be physical. You
 8 know, Southwestern Bell willing to
 9 reconsider its denial or reluctance to
 10 allow third-party technicians to maintain
 11 the equipment the same way they allow --
 12 you do allow them to install it in virtual
 13 collocation arrangements.

14 MS. NELSON: That question
 15 was asked just like an attorney.

16 MR. AUINBAUH: Could I
 17 answer it like an attorney? Mike Auinbauh.
 18 We've looked at that, Robin, and it just
 19 isn't workable for us. There are other
 20 collocation alternatives to be considered
 21 in March and that hinges on cageless
 22 collocation concerns.

23 And to the extent those are tied
 24 up in March, they will be discussed. But
 25 in regard to the approved virtual Section

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1 26, we went as far in that section as we
2 were willing to go on the (inaudible).

3 MS. NELSON: That was just a
4 joke about your asking the question.

5 MS. CASEY: I just didn't
6 want the record to reflect there were no
7 more questions or concerns about virtual
8 collocation.

9 MR. SRINIVASA: That brings
10 me back. In that third-party issue, even
11 though it's in the virtual collocation
12 context that question was asked, you know,
13 in physical collocation the third-party
14 provision engineer review of availability
15 of space. What I heard this morning was
16 Southwestern Bell provides a forecast of
17 its required space to the third-party
18 engineer.

19 Can the third-party engineer ask
20 for the rationale behind that forecast?
21 Say, for example, if you're in the process
22 of replacing a 1A switch at the 5E –
23 okay – if there is reduction in space, can
24 they go back and look into that?

25 MR. AUINBAUH: I think we

1 forecasting that you will install DSL
2 equipment to provide the ADSL service that
3 Southwestern Bell plans to provide, as part
4 of that, are they even projecting, well,
5 during that two-year period we may be
6 removing some of the 1A switches;
7 therefore, there will be some space
8 available?

9 MR. AUINBAUH: I don't know
10 the answer to that.

11 MR. GALINDO: Well, the
12 thing that you're mentioning there, first
13 of all, it would be a funding issue as far
14 as (inaudible) 1A replacement. We really
15 don't know. That is funded on a
16 year-to-year basis. We do have certain
17 triggers that will trigger the replacement
18 of the 1A.

19 So when we're looking at the
20 floor space – like what Mike mentioned is
21 we have a set area that is the
22 turnaround floor space for the future
23 digital switch. But as far as when we'll
24 recover that 1A, we don't know at that
25 particular time. We just know that we need

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1 may be kind of out of sequence timewise,
2 Nara. If there's a 1A switch there and
3 we're going to replace it with a 5E or
4 whatever, there would eventually be a
5 reduction in space and that would be a
6 factor to be considered when that occurred
7 in determining whether or not space was
8 available.

9 But at the present time, assuming
10 that 1A was available, the only issue on
11 space would be having sufficient space to
12 be able to do turnaround, because you would
13 have to have two switches in service at the
14 same time for a period of time. So it is
15 true what you are saying, that there would
16 be an issue of potentially recovering some
17 space.

18 It would be at some point in the
19 future to be considered at the point when
20 it was there whether or not there was space
21 in the office at that time. Does that make
22 sense?

23 MR. SRINIVASA: Well, again,
24 it was a forecast, two-year forecast that
25 they were talking about. Now, if you are

1 to have an area reserved for turnaround.
2 MR. SRINIVASA: Are there
3 any questions on the 180 day – you know,
4 the non-active space provisioning schedule?

5 MR. FRITTS: Would it help
6 if I at least hit the highlights of the
7 differences between the 180 and the 90?

8 JUDGE FARROBA: Right. And
9 then after that, I think we should probably
10 pretty much conclude for today, because I
11 think not only have a lot of people already
12 gone, but the people here are almost gone,
13 too. (Laughter)

14 MR. FRITTS: Okay. Bill
15 Fritts, Southwestern Bell. Again, calling
16 your attention to the handout of physical
17 collocation of the CO space 180 day
18 implementation steps. Organizationally it
19 is defined across the top, the different
20 organizations that are involved in the
21 provisioning of that cage in other CO
22 space.

23 And then the time is down the
24 left margin, again, in weeks. I'll
25 highlight the differences with the

1 exception of the real estate management
2 piece, and I'll let Dennis do that. That
3 is also obviously the largest difference
4 between the three-month schedule and the
5 9-month schedule.

6 Again, the three week – the
7 first three weeks in the 180-day process is
8 practically the same as the first three
9 weeks in the 90-day process. We have the
10 acceptance of the quote. The information
11 gets passed to all the appropriate
12 organizations by NSS. The handoff meeting
13 is conducted. The collocation project
14 manager picks up responsibility for plans
15 if changes were made.

16 We iterate the floor plans and we
17 pick up the changes and then we go into
18 detail, engineering and implementation of
19 the project. The critical steps that the
20 CLEC is engaged in are the same but they
21 fall at different points in time.

22 Additionally, there are four in-progress
23 visits specified in the tariff. I'll make
24 a correction to the handout.

25 We only identified three, down

1 importance of – I want to underscore the
2 importance of the floor plan, the equipment
3 list, the front equipment drawings. I
4 mean, it is a critical part of this process
5 as it is a part of the three-month process
6 to get this project completed on time or
7 before.

8 That is a couple of the things
9 when we talk with our collocation project
10 managers and the people that are actively
11 engaged in this that if there is anything
12 that we can do to help this, then improving
13 the quality, the completeness, and
14 eliminating some of the issues associated
15 with floor plans, front equipment drawings,
16 and even contact information, if we can
17 improve that, that will help this process
18 move along.

19 So I would just like to add that
20 in the positive sense of what we can all do
21 to make this get better than it is. With
22 that, I think I'll ask Dennis to cover the
23 corporate real estate components that are
24 different between the three-month and the
25 six-month.

1 the column labeled "Collocation Project
2 Manager." But these are at the option of
3 the CLEC and would be scheduled just based
4 on some coordination between the CLEC and
5 the collocation project manager. So that
6 fundamentally is the same. It's just a
7 little bit longer project through
8 implementation.

9 Again, the POT frame
10 installation, if the CLEC does that
11 verification, occurs. This time it is
12 about at Week 19. Prior to Week 19 is when
13 the CPM makes the contact to make sure that
14 the CLEC is on board and ready to install
15 that equipment. That equipment goes in
16 before Week 21.

17 And then this process basically
18 concludes similar to the three-month
19 process with the CPM working the punch
20 list, scheduling the visit, the acceptance
21 visit on the part of the CLEC after the
22 project is completed and they have made
23 that notice. I would just like to
24 reinforce again – and I know we talked
25 about it at length – is that the

1 MR. KROST: This is Dennis
2 Krost. Basically on the real estate end of
3 this, it all boils down to basically the
4 scope of work required to convert other
5 type of space to active switchroom space.
6 It's an increased scope of work, and it
7 flows through the whole process.

8 There is more of construction
9 type activities that have to be done. And
10 so most of that is related to HVAC work,
11 getting air conditioning systems to
12 switchroom quality, the associated duct
13 work with that, air handlers, chill water
14 piping, the electrical work, all the
15 digital controls and alarms that are
16 associated with air conditioning.

17 That's the bulk of where the
18 additional work is. The other area
19 sometimes is the demolition, the tear-out
20 of old office type space, is additional
21 work that has to be performed in other
22 situations. None of that is in the active.
23 That is the basic difference in time, and
24 you will see that there is – that flows
25 through all the four phases.

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1 Now, it takes a little bit longer
2 to do the construction documents. The
3 construction interval itself is longer and
4 that makes up the difference between the
5 two.

6 MS. ERVIN: Do any of the
7 CLECs – this is Janis Ervin, again – any
8 of the CLECs here have any comments on this
9 particular process that are outside of the
10 scope of the comments made about the
11 slightly shorter (inaudible)?

12 MR. KERSH: This is Mike
13 Kersh, ACI Corp. I don't at this time,
14 because we haven't experienced it. I've
15 got to think that depending on the central
16 office in some cases it won't be 180 days,
17 especially in a smaller central office,
18 depending.

19 It's been my experience in other
20 areas that when you get into a small – a
21 smaller central office it's all on one
22 floor, suburban type central office. It's
23 all on one floor, and it's all really kind
24 of basically the same space. You know,
25 you've got a breakroom sort of situation or

1 Warner Telecom. At Southwestern Bell at
2 every central office, is there an engineer,
3 a power engineer, or a group of power
4 engineers that are responsible for having
5 enough power for your equipment at that
6 office?

7 MR. GALINDO: Art Galindo,
8 Southwestern Bell. We have a staff of four
9 power engineers, in fact, for the central
10 and (inaudible) and they are assigned
11 various offices within our geographic area.

12 MR. SUMMITT: So that group
13 would be accountable in such a way that you
14 don't run out of power that would somehow
15 interfere with your customers in delivering
16 service on a day-to-day basis? The same
17 thing for air conditioning.

18 There is an HVAC group of
19 engineers that is responsible for each
20 central office. And – I mean, every day
21 his job is to make sure that that thing
22 stays cool and doesn't get hot and
23 customers go out of service. Is that
24 correct? I think the answer was "yes," by
25 the way, to the last question.

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1 whatever, and in the larger central offices
2 I could imagine that it would be a – you
3 know, a large construction office to
4 convert a floor or an area or whatever.

5 MS. ERVIN: Has it pretty
6 much been the case that this is not –
7 there are fewer of these jobs than there
8 are of the other at present or does anybody
9 know?

10 MR. KROST: I don't know the
11 answer to that. I don't know how many
12 actives versus others who have.

13 MR. SRINIVASA: Of the 88
14 requested applications you sent, are there
15 any non-active spaces included in there?

16 MR. FRITTS: We haven't got
17 the responses yet.

18 MS. WALLACE: We do not know
19 that.

20 MR. KERSH: We don't know
21 yet. We're waiting until June.

22 MS. WALLACE: I'm waiting
23 until November.

24 MR. SUMMITT: I just have a
25 general question. Nick Summitt, with Time

1 So I guess the point that I
2 struggle with is, why does it take so long,
3 a 15-day interval, to look at all of these
4 things when this information is already
5 known? There are people that are
6 accountable and responsible to do that
7 every day. So...

8 MR. FRITTS: This is Bill
9 Fritts, Southwestern Bell. I'll try to
10 address a couple of things here. In the
11 situation that you're describing implies
12 you're managing a part of the business
13 where the loads are forecasted and the
14 loads are now. And I would say to that
15 that that is true, that there is growth in
16 these systems and there is capacity in
17 these systems.

18 But then we have to work the
19 requests in for the collocation space, and
20 those are unforeseen. The amount of
21 power that one CLEC may want can vary
22 greatly from the amount of power that
23 another CLEC can want. There may or may
24 not be sufficient capacity to deal with all
25 of that. Plus we have multiple requests

1 active in the same CO.
 2 So all of that demand has got to
 3 be met. That's what those engineers do,
 4 and that is part of that process, and the
 5 quote phase is to take a look and see, now,
 6 how do we handle this additional demand of
 7 what are the requirements or what are the
 8 costs to make that response, and then
 9 during the construction phase we build it
 10 if there's — to the extent there are
 11 requirements to be built.

12 MR. SUMMITT: So — again,
 13 this is Nick Summitt, with Time Warner
 14 Telecom. So from a power standpoint, that
 15 engineer simply needs to look and see how
 16 much power do I have and how much is going
 17 to request, enough or not enough. That's
 18 really all there is to it. Right? If
 19 there is not enough, then we need to order
 20 more obviously, but it's a "yes" or
 21 "no" —

22 MR. GALINDO: This is Art,
 23 again. What a power engineer will do is
 24 whenever you have an inquiry and you're
 25 looking at the amount of additional power

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1 Southwestern Bell had spoke about some
 2 guidelines and reservations of space that
 3 they were coming out with, and they hadn't
 4 finalized. I was wondering if Southwestern
 5 Bell had a time frame for when those
 6 guidelines would be finalized and would
 7 they — I don't know — somehow either, you
 8 know, give it to Staff or the parties or
 9 post it on the website or what, how we'll
 10 know about that.

11 MR. AUINBAUH: Well, Gwen, I
 12 think the reference was to internal
 13 guidelines, and we have no — those are
 14 just for our own folks' documentation to
 15 work from. The guidelines that we're
 16 living with is the requirements that were
 17 in the tariff at the Commission's
 18 direction, and that's just an internal
 19 document telling our folks how to apply
 20 that.

21 And we have no intention of
 22 providing that to anybody other than our
 23 own employees who were directed to follow
 24 it.

25 MS. ROWLING: Mike, I have a

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1 or loads that you're going to be providing,
 2 he's going to go ahead and look at that
 3 information compared with his charging
 4 capacity within that power plant to see
 5 what impact it's going to have downstream
 6 as far as additional batteries, perhaps.

7 And so he takes all of that into
 8 consideration.

9 MR. SUMMITT: Okay.

10 JUDGE FARROBA: Does anybody
 11 else have anything they want to say at this
 12 point?

13 MR. SRINIVASA: Are the
 14 augments going to work pretty much the same
 15 way? Excuse me — like it would for the
 16 other discussion we had? You are going to
 17 come back to us with the proposal on the
 18 augments.

19 MR. FRITTS: Yes.

20 MS. ERVIN: And you had a
 21 question, Ms. Rowling.

22 MS. ROWLING: Yes. Gwen
 23 Rowling, Westel. I just unfortunately have
 24 to jump back really quickly to the first
 25 document. My question was that

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1 concern about that, because reservation of
 2 space is a critical issue in terms of how a
 3 (inaudible), you know, is panned out as far
 4 as (inaudible) CLEC is going to get in
 5 there, because it's Southwestern Bell's
 6 reservation of space. So I think the CLECs
 7 have always said that it's critical that we
 8 understand the specifics of you-all's
 9 policy.

10 So I'm surprised and disappointed
 11 that those internal guidelines aren't going
 12 to be shared, because how in effect do we
 13 understand how the space is being reserved
 14 so the third-party engineer comes in and
 15 Southwestern Bell says, "Well, that space
 16 is reserved for our use." We don't
 17 understand the mechanics of that.

18 JUDGE FARROBA: Wait. Let
 19 me just — also the Commission has stated
 20 that those — the guidelines need to be
 21 developed in this process and put into
 22 black and white in writing, and what you're
 23 telling me is that you are not willing to
 24 do that.

25 MR. AUINBAUH: That document

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1 is not an extra document. Let me
2 suggest -

3 JUDGE FARROBA: Well, I
4 don't care about that document, but the
5 guidelines for how space is reserved -

6 MR. AUINBAUH: I think we
7 have on the record today fairly clearly
8 what our guidelines are, in the two years
9 of the transmission equipment and the
10 switching and so on.

11 Let me suggest to give us time to
12 look at the transcript, and I'll ask Garry
13 to provide a follow-up that hopefully will
14 make it pretty crisp so that it's clear
15 what we're filing, if that's workable.

16 JUDGE FARROBA: Okay. And
17 also in that follow-up, I guess go ahead
18 and put down the policy on D-SLAMs and
19 other types of equipment that you're
20 reserving space on, and - go ahead,
21 because I need a - there was another idea
22 I had there.

23 MR. KERSH: This is Mike
24 Kersh, with ACI Corp. I would echo that.
25 I would like to know - you know, not have

1 today, could I clarify something that was
2 mentioned this morning? During lunch I had
3 a little bit of time to think about it,
4 and that had to do with the gentleman that
5 questioned NEXTLINK, I believe it was, that
6 questioned if his intervals would be
7 recalculated, his applications were
8 received in the mid January time frame when
9 we received the ACI COVAD and I said, "Yes,
10 they would be."

11 And it was mentioned that, okay,
12 their quotes would be due back 2-19 because
13 we were using 2-4 as the cutoff date. And
14 the 2-19 would be calendar days, and I just
15 wanted to correct the record that the
16 business day would be a 2-25 quote due
17 date.

18 JUDGE FARROBA: Okay.

19 MR. SRINIVASA: Besides your
20 forecast, two-year, the process that you
21 used, in addition to D-SLAM, can you also
22 see if you have any process in place for
23 ATM, which is asynchronous (inaudible)
24 reserve space for that prior to the ADSL?

25 MR. AUINBAUH: We'll look at

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1 it.

2 JUDGE FARROBA: Okay.

3 Anything else?

4 All right. Thank you, everybody,
5 and this meeting is adjourned.

6 (The workshop was adjourned at
7 approximately 6:07 p.m.)

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1 your diagram, but know what the guidelines
2 are for equipment that comes in the
3 category of D-SLAM equipment, that sort of
4 equipment.

5 JUDGE FARROBA: And then
6 also, I guess, the other issue I had is,
7 what is your view on - and I may have just
8 missed this - when the third-party
9 engineer is doing their evaluation, are
10 they just, wholesale, taking what you have
11 said is the amount of space that you're
12 reserving for yourself and factoring that
13 in or do they question that and look at
14 that?

15 And if that hasn't been addressed
16 yet, if you would address that in this
17 follow-up that you're going to do. And, I
18 guess, could we get a time-line on the
19 follow-up, or -

20 MR. AUINBAUH: Two weeks.

21 MR. WANN: Yes. Two weeks
22 from today?

23 JUDGE FARROBA: So, Staff,
24 anything else you need to add?

25 MS. LACY: Before we adjourn

1 C E R T I F I C A T E

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2
3 STATE OF TEXAS)
4 COUNTY OF TRAVIS)5 I, William C. Beardmore, a
6 Certified Shorthand Reporter in and for the
7 State of Texas, do hereby certify that the
8 above-mentioned matter occurred as
9 hereinbefore set out.

10

11 I FURTHER CERTIFY THAT the
12 proceedings of such were reported by me or
13 under my supervision, later reduced to
14 typewritten form under my supervision and
15 control and that the foregoing pages are a
16 full, true, and correct transcription of
17 the original notes.

18

19 IN WITNESS WHEREOF, I have
20 hereunto set my hand and seal this 17th day
21 of February 1999.

22

23 William C. Beardmore
24 Certified Shorthand Reporter
25 CSR No. 918 - Expires 12/31/00
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